

ORDINANCE NO. 01-17-2023A

**AN ORDINANCE AMENDING THE WEST POINT CITY
CODE BY ADDING THERETO TITLE 2 CHAPTER 85
CREATING THE WEST POINT ARTS COUNCIL
AND PROVING AN EFFECTIVE DATE**

WHEREAS, after study and deliberation, the West Point City Council finds that it is in the best interests of West Point City to create a West Point Arts Council.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF WEST POINT CITY as follows:

SECTION ONE: ADDITION OF TITLE 2, CHAPTER 85

The West Point City Code is hereby amended by adopting Title 2, Chapter 85 to read as follows:

WEST POINT ARTS COUNCIL

Sections:

- 2.85.010 Purpose
- 2.85.020 West Point Arts Council Board
- 2.85.030 Organization and Procedures
- 2.85.040 Duties and Responsibilities
- 2.85.050 West Point City Responsibilities
- 2.85.060 Definitions

2.85.010 Purpose

West Point City recognizes the importance of the arts in a community. It values promoting culture and activities that encourage interaction among its citizens in service and social events that unify residents and encourage pride in the City and relationships among citizens. The City

recognizes that the growth of the Arts in the community provides a variety of opportunities for its citizens to be both patrons and participants.

2.85.020 West Point Arts Council Board

A West Point Arts Council Board is hereby established by the City with the following provisions:

- (A) Board Composition. The Board shall consist of members appointed by the Mayor in accordance with subsection (B) of this section and a member of the City Staff assigned by the City Manager to oversee the West Point Arts Council Activities.
- (B) The Mayor shall appoint Board members with the advice and consent of the City Council, except for the member of the City staff. All members of the Board must live within the West Point City limits.
- (C) Prospective Board members shall submit a letter of interest to the Arts Council, which may recommend them for service in a specific assignment. All citizens of West Point City are welcome to submit applications for open positions or show interest at any time. Each Board member shall demonstrate interest, competence and knowledge in the operation and functions of the West Point Arts Council.
- (D) Terms of Office. The terms of office for Board members, who are not members of the City staff, shall be four (4) years. These members' terms shall be staggered so that no more than 25 percent of the members' terms expire at the same time. The term of office for the City staff designated as a member of the Board shall be as determined by the City Manager. Appointments to the Board should be made no later than the first City Council meeting in September of each year, and shall be filled as quickly as practicable when a vacancy arises due to resignation. In circumstances where appointments are not made prior to the first City Council meeting in September each year, said appointments shall be made as soon as reasonably possible thereafter.
- (E) Council Liaison. The City Council shall appoint one of its members to serve as Liaison to the Board. The Council Member shall attend the meetings of the Board, advise and act as a liaison to the City Council regarding the Board, and participate in meetings as provided in this section, with no power to vote thereon.
- (F) Removal. Members shall serve at the pleasure of the City and the City Council may remove Board members at any time by majority vote.
- (G) Vacancies. Midterm vacancies of appointed Board members occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Mayor, with the

advice and consent of the City Council, in accordance with the procedures for appointment set forth herein.

(H) Compensation. Members shall serve without compensation and all services performed shall be deemed “voluntary services” for purposes of the Governmental Immunity Act of Utah. Members shall be deemed “volunteers” for purposes of City ordinances, rules, regulations and policies concerning personnel, except that the Board shall provide for reimbursement of actual expenses incurred upon prior approval, or for reasonable and necessary expenses incurred in the performance of their duties as determined appropriate by the City Manager and upon presentation of proper receipts and vouchers. All expenses shall be consistent with the City’s purchasing policy and subject to administrative rules as established by the City Manager.

(I) Quorum. The Board shall not conduct official business on behalf of the West Point Arts Council, except in the presence of a properly constituted quorum. A quorum shall consist of a majority of the appointed members, with at least two in attendance being members of the Executive Board. Participation through electronic means shall be adequate for creating a quorum and voting on West Point Arts Council members.

(J) Rules. The Board may adopt bylaws and/or reasonable rules and regulations in accordance with the provisions set forth herein for governing the conduct of its business. All such rules and regulations shall be submitted to the City Council for review and approved by resolution of the City Council.

2.85.030 Organization and Procedures

The organization and structure of the West Point Arts Council Board shall be as follows:

(A) Executive Board. An Executive Board is organized with the following members, all of whom also participate in Board meetings as voting members:

(1) Chairperson, who is recommended bi-annually by the Board and confirmed by the City Council;

(2) Vice-Chair, who is a member of the West Point City Staff assigned to the Board;

(3) Secretary, who is elected annually by the Board; and

(4) Treasurer, who is elected annually by the Board.

(B) Chairperson and Vice-Chair. Voting members of the Board shall recommend one of its members as Chairperson for confirmation by the City Council. The Chairperson shall be a voting member of the Board and shall oversee the proceedings and activities of the Board. The

Chairperson shall have served on the Board in some capacity for a minimum of one year prior to becoming Chairperson. The Chairperson shall serve a term of two years. The Chairperson may be reelected biannually during the Board's September meeting. The City staff member shall act as Vice-Chair and, in the event the Chairperson is unable to attend the meeting, as Chair Pro Tem.

(C) Secretary and Treasurer. The Board shall elect from its members a Secretary and Treasurer to serve on the Executive Board, during annual elections held each year in September.

(D) Administrative and Activity Chairs. Other Board members shall serve as either administrative or activity chairs, and participate as voting Board members. Chairs are appointed by majority vote by the Board. Chairs include:

(1) Administrative Chairs, which lead functions such as but not limited to: fundraising, sponsorships, advertising, grant writing and publicity coordination.

(2) Activity Chairs, which lead program activities such as theater, music and youth programs.

(3) Other chairs may be established by the Board if a program establishes continued activity. Such chairs, if not members of the Board, may be appointed to be voting Board members.

(E) Volunteers. The Board may by majority vote, appoint volunteers to work in and aid in the operation of the West Point Arts Council. Any member of the community may serve on individual activity committees led by the Board members. Volunteer non-Board members need not be residents of West Point City to serve in this capacity.

(F) Meetings. The Board shall meet no less than once quarterly, but it is expected to meet monthly with the exception of July and December. Meetings shall be conducted in accordance with the open and public meetings laws of the State of Utah, including public notification of meeting place, time and agenda items. The Board shall keep a public record of its proceedings, and all minutes of the meetings and decisions of the Board shall be filed in the office of the City Recorder as public records.

2.85.040 Duties and Responsibilities.

It shall be the duty of the Board to act in an advisory and volunteer capacity to the City Council regarding the administration and operation of the West Point Arts Council, including, but not limited to, the following:

- (A) Prepare and recommend for approval by the City Council a long-range plan, including goals for the West Point Arts Council, review the adopted long-range plan on an annual basis, and recommend any updates or changes to said plan;
- (B) Recommend and implement programs, policies, financing, funding, legislation, and other measures, programs or activities for the administration and operation of the West Point Arts Council consistent with the goals of the long-range plan;
- (C) The Council Liaison shall make regular reports of upcoming activities, events and annual plans to the City Council;
- (D) Prepare and recommend for approval by the City Council appropriate rules and procedures for the use, administration and operation of the West Point Arts Council and its programs and activities;
- (E) Identify the collaborative cultural arts needs of West Point City and implement strategies to address said needs;
- (F) Facilitate the presentation of a variety of arts-related events in West Point.
- (G) Keep records of West Point Arts Council proceedings and make them available for inspection by the public at all reasonable times;
- (H) Partner with selected community arts organizations to pursue funding to support the arts in West Point City;
- (I) Assist in the dissemination of news to recognize and promote arts in the community.

2.85.050 West Point City Responsibilities.

West Point City may provide use of City facilities for operations, displays and events organized and administered by the West Point Arts Council. The City shall provide liability insurance and computer technical and staff support when necessary. Use of City employees or other City resources shall be requested and pre-approved by the City Manager.

2.85.060 Definitions

- (A) "Design Art" means art that is both functional and aesthetically pleasing, including, but not limited to, all forms of commercial art, product design and architecture.
- (B) "Folk Art" means art originating among the common people of a nation or region and usually reflecting their traditional culture, especially everyday or festive items produced or decorated by unschooled artists.

(C) “Literary Art” means written works, such as fiction, poetry or nonfiction, that go outside the bounds of normal professional, journalistic, academic and technical forms of literature. Works that fall into this category include novels, epics, short stories, stories, poems, screenwriting and playwriting.

(D) “Performing Arts” means arts, such as dance, drama and music that are performed before an audience.

(E) “Visual Arts” means art forms that create works that are primarily visual in nature, such as ceramics, drawings, paintings, sculptures, printmaking and modern visual arts (e.g., photography, video and filmmaking).”

SECTION TWO: EFFECTIVE DATE

This Ordinance shall become effective immediately upon passage and adoption and publication of a Summary thereof and posting as required by law.

PASSED AND ADOPTED THIS 17th DAY OF JANUARY, 2023.



WEST POINT CITY

BRIAN VINCENT
Mayor

ATTEST:

CASEY ARNOLD,
City Recorder

Posted and published January 18, 2023.